

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
APRIL 20, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Rob Carter and Invocation was given by Traffic Commissioner Dan Gilbert.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Councilman Justin Frisbie
Councilwoman Leslie Owens
Councilman Jimmy Alexander
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Barry Curl
Vice-Mayor Tom Smith
Councilwoman Nancy Olson

ABSENT

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Scott Barrett, City Engineer
Wiley Rice, City Planner
Mike Turman, City Inspector
Bob Jernigan, City Attorney

2. Questions and Comments from Warr Acres Residents.

Mrs. Helen Bell from 5712 NW 66th Street asked to speak to the council concerning a city leash law. Darryl Goodman, ACO, explained that there is a running at large law, but that there was no specific leash law. She would like the city to enact a leash law. She was told that law on the books is sufficient and the Mayor told Mr. Goodman to enforce the law. He stated that it would require a witness to file a complaint whenever an animal is off the owners property. Mrs. Bell stated that more needed to be done.

The Mayor read some letters that she had received complimenting several different employees.

Norma Gorman had trouble getting a child car seat installed in her car and came to the fire department for help. Jason Hartpence and Ben Chadd assisted in installing the seat and showed her how to install it in the future.

Christy Evans thanked Chief Carter and his crew for participating in a Safety and Health Fair.

Councilwoman Owens stepped out at 7:11 p.m. and returned at 7:13 p.m.

Carol and Otis Brooks thanked police officers John Feith, Matt Berger and Shane Clark for attention and care shown to Mr. Brooks after a recent accident.

The Mayor also told how there had been an item on Newsok.com concerning Warr Acres Animal adoptions and thanked Darryl Goodman for doing a great job.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.
 - A. Approval of Expenditures – General Fund \$ 41,706.74
Street & Alley \$ 24,233.94
 - B. Approval of Supplemental Appropriations of the City's 10% match for the LLEBG Grant and money from drug seizure.

Motion by Frisbie, second by Smith to approve the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Discussion and possible action on items removed from the consent docket.

Moot.

5. Discussion and possible action on acceptance of Annual Audit by Crawford and Associates for the FY 2002-2003, presented by Mike Crawford. (Audits will be handed out by Mike at the meeting.)

Mr. Crawford stepped up to the microphone and stated that this would be the last time he addressed the council as the City's Auditor due to regulations that have been put in place because of the Enron and MCI situations. Mr. Crawford handed out a report showing the city's financial situation at the end of June 2003 for fiscal year 02-03. He told them that general fund-fund balance through March 31, 2004 showed that the trend of depleting fund balance has turned around in the 2003-2004 fiscal year. He then began explaining that in an effort to stop some of the confusion about the money for the MacArthur Project he recommended moving the money from the General Fund to a separate fund. There was confusion concerning the numbers that Mr. Crawford was showing the council since his figures were from June 30, 2003 and the council receives a report monthly on the finances showing current figures. Mr. Crawford stated that if he had a marker board and markers he could explain everything so that everyone understood. It was recommended that a special meeting be held on April 26, 2004 so that Mr. Crawford could explain the finances.

Motion by Owens, second by Olson to accept the audit report. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, nay; Frisbie, nay; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed.

6. Discussion and possible action on entering into a contract with Crawford and Associates for accounting assistance and consulting. (This information was included in your April 6, 2004 agenda packet.)

Mr. Crawford explained that this new contract will allow them to work more closely with the staff and assist in the budget process and accounting. He stated that the contract fee would reflect a lower cost since they could not work internally and do the city's audit. He explained that the city will need to find a CPA firm to do the audit and he has provided a list of firms his firm has worked with in the past and are familiar with the work his firm does.

Motion by Frisbie, second by Wehba to enter into a contract with Crawford and Associates for accounting assistance and consulting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea and Tardibono, yea.

Motion Passed.

7. Discussion and possible action on finding a CPA firm to Audit the city.

The Mayor stated that she would like the city to hire Arledge and Associates. She stated that she knows the owner. Mr. Crawford stated that he had worked with them on four of their communities last year. The council stated that before they make a decision they would like to have proposals from each of the firms. Mr. Crawford stated that he would work with the CPA firms to keep the cost neutral.

Motion by Frisbie, second by Wehba to continue this item to the May 4, 2004 meeting so that proposals could be obtained. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

8. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-explained that the drug money that the council approve for appropriation under the consent docket can only be used for investigative uses and read them a list of items that he is planning on using the money for. He also told the council that at the last budget meeting there was discussion concerning overtime in public safety due to one dispatcher being off on maternity leave and another being on vacation. He stated that the situation got worse this afternoon when one of his dispatcher turned in his notice that as of May 1, 2004 he would no longer be working for Warr Acres and that he had been hired by Bethany for \$300 more a month. He stated that he desperately needed the hiring freeze to be

lifted so that he could hire another dispatcher. It was discussed that since this was truly an unforeseen event that it could be taken up under new business.

Chief Carter-said that the generator has been tested and is operational, however, it is not at full capacity.

Attorney Jernigan stepped out at 8:03 p.m. and returned at 8:07 p.m.

Scott Barrett-stated that the city only has four weeks to get the letter done for the MacArthur project. He said that Cinnabar has sent out the offer letters for the parcels. He told the council that it looked like everything was falling in line and the city would make the May 14th deadline, provided no one fights the acquisition. Mr. Barrett told the council that Clowers Engineering is completing the final plans for the OKC water line relocation. He said that an item would need to be on the May 4th agenda for approval to proceed with the letter to ACOG for the project. Councilman Wehba asked Mr. Barrett if there was a date set for the Stormwater committee and he said there was not.

9. Discussion and possible action on bid specs for the purchase of a new television and camera system and also for a new sound system for the Council Chambers.
Owens

Councilwoman Owens told the council that an ad ran in the Tribune about the bids. She also stated that she now understands that proper procedure was not followed and apologized stating that she misunderstood how the process was to work. She also stated that she did not think that it was right to take the information that had been provided to the city by other companies and use that information as the bid specs. The council asked if anyone had picked up a bid packet and they were told that someone had called but the clerk was not sure if they had actually came in and picked one up. The council stated that if anyone had picked a packet up then they would need to be informed that a new bid specs packet would be forthcoming. It was discussed that the date for bids can be extended. Also, bids must be specific so that all bids will be alike. Mike Crawford stated that what Councilwoman Owens did was in a sense correct in that she asked for bid information about systems. In bids specs specific name brands can be requested along with a statement asking for the exact brand or equivalent. Council members Smith, Alexander, Owens as well as Deputy Chief Markstone are to work on the bid specs and have them ready for the May 4th agenda.

Motion by Wehba, second by Frisbie to continue this item to the May 4, 2004 meeting. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

10. Discussion and possible action on a contract with Oklahoma County concerning a charge for jail services of city prisoners. *Jernigan* ****

Bob Jernigan told the council that the city only has a 12 hour holding facility and sometimes it is a necessity to take prisoners to county. There are no alternatives and the city will only be charged the fee for prisoners being held at the county on

municipal charges, not state charges. Councilman Curl asked if the County Commissioners approved this agreement or if it was the Sheriff. He was told that the Commissioners did finally agree to the charge but were not happy about it.

Motion by Frisbie, second by Wehba to approve the contract with Oklahoma County. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed.

11. Discussion and possible action on placing Bob Jernigan on a retainer for services.
Jernigan ****

Mr. Jernigan explained how his pay was set up years ago. He stated that a retainer of \$3000 per month would include all meetings and that the minutes of the meetings would serve as record of time spent in meetings. He stated that any additional work would be charged at a fee of \$100 per hour. He stated that he would review his time every couple of months to see if the hours and pay were in line with the retainer fee since some months it might be over and some months under, as long as the average was good.

Motion by Owens, second by Wehba to place Bob Jernigan on a retainer for legal services. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

12. Discussion and possible action on authorizing city employees to fix the drainage problem at 45th and Hammond. *Mayor*

Scott Barrett stated that on April 22, 2004 he was having a survey done of the property.

Motion by Frisbie, second by Wehba to continue this item to the May 4th meeting. Poll vote: Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

13. Discussion and possible action on re-appointing and appointing members to the Board of Adjustments, Ward II to and Ward IV to expire October 2006 and At-Large to expire October 2005.

The Mayor stated that Shirley Pritchett had stepped in last year and fulfilled a term that expired in October 2003 and she did not wish to continue in that position. A nomination for Sid Helms was given for the Ward II seat. Councilman Curl stated that Mr. Helms was new to the city and was not familiar with the workings of the city and that this was a very very important post and he felt someone with more city history should be appointed. He also stated that he and Councilman Frisbie interview persons for post from Ward I and suggested that the council members from Ward II do the same. Councilman Smith stated that he had spoken with Mr. Helms and the only way to learn is to get involved.

Councilwoman Olson also stated that it is not something you can learn just by living in the city for a long time.

Motion by Owens, second by Smith that nominations cease. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed.

Motion by Smith, second by Olson to accept Mr. Helms as the Ward II Board of Adjustment member. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, abstain; Curl, nay; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed.

The Mayor stated that Mr. Ken Phillips would like to continue to serve on the board. Ken Phillips was nominated for Ward IV.

Motion by Wehba, second by Curl that nominations cease. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

Motion by Wehba, second by Gossman to accept Ken Phillips as Ward IV Board of Adjustment member. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

Darrell McDaniels and Jason Eischen were nominated for the At-Large position on the Board of Adjustments.

Motion by Owens, second by Wehba that nomination cease. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea and Tardibono, yea.

Motion Passed unanimously.

The Mayor stated that if Mr. McDaniels were to move from the Traffic Commission to the Board of Adjustment it would leave all new members on the Traffic Commission. It was stated that he could hold both positions.

Poll vote: Alexander, McDaniels; Owens, Eischen; Gossman, McDaniels; Wehba, McDaniels; Frisbie, McDaniels; Curl, McDaniels; Smith, McDaniels; Olson, Eischen; and Tardibono, Eischen.

McDaniels is elected to the At-Large position on the Board of Adjustments.

14. Discussion and possible action on Resolution #395 approving the payment of judgment in favor of Linda McCune and administrator of the estate of Ronald

McCune, accepting assignment and authorizing the filing of the necessary documents with the county to recover funds so paid. *Jernigan* ****

Mr. Jernigan told the council that on March 25, 2004 a judgment was filed in the amount of \$99,362.90. He said that payment now needed to be made and the assignment of judgment needed to be signed so that it could be filed. A copy of the assignment needs to be attached to the Resolution.

Motion by Alexander, second by Gossman to adopt Resolution #395. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed unanimously.

When Councilman Wehba voted he also stated that it really stinks the way the whole thing came down. Councilman Curl stated that he was voting yes for the paperwork only.

15. Discussion and possible action on a contract for the 04-05 Fiscal Year with EMSA.

Chief Carter told the council that he had spoken with Steven Williamson from EMSA and was told that the city's contract with EMSA will continue in affect until the city votes to stop it. The subsidy for the 04-05 fiscal year will be \$64,203.00 if all communities stay with EMSA. Councilman Wehba stated that he understood that EMSA was looking at being \$600,000 in the whole this year.

Motion by Owens, second by Wehba to approve the contract subject to the subsidy being appropriated in the 04-05 budget. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, nay; Olson, yea; and Tardibono, yea.

Motion Passed.

16. Discussion and possible action on holding Town Hall meetings for each Ward at the Community Center to discuss Public Safety. *Mayor*

Dates have been set for proposed Town Hall meetings for each ward. Ward I, May 13; Ward II, April 27; Ward III, April 22; and Ward IV, May 3. The items for discussion will be city services, code enforcement, ems/public safety, street projects, parks and other issues. Councilman Frisbie asked why this could not be done for all wards at one time. The Mayor stated that it was an effort to keep from having a quorum since these are not official council meetings and it would make it less formal for the residents that wished to ask questions. Bob Jernigan stated that it would allow for more one on one conversation with the council members and their constituents. Councilmen Smith, Frisbie and Curl all agreed that there only needed to be one meeting.

Motion by Frisbie, second by Wehba to hold only one Town Hall meeting with staff present at the Community Center on May 3rd. Poll vote: Alexander, nay; Owens, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

17. Discussion and possible action on lifting the wage freeze to give the non-contact employees their merit increases for the 03-04 Fiscal Year and a Bonus of \$1000 for those who have topped out. *Mayor*

The Mayor asked that items 17 and 18 be continued to the June 6th meeting, however, she still wanted to discuss giving a \$1000 bonus to those employees that have reached the top of their pay scale. No action was taken.

18. Discussion and possible action on lifting the wage freeze indefinitely to allow the Mayor to give incentive reward raises for employees who have performed above and beyond their job descriptions. *Mayor*
19. Questions and comments from Council members.

This item was heard before item #14.

Owens-asked who had the right to request verbatim minutes. She would like for those persons requesting verbatim minutes have the approval of the Council before such request are granted. Also, she would like for people to send in their memories of the YWCA.

Wehba-stated that the chipper was not in the auction and if it was not going to be sold then someone needed to use it. Councilman Gossman stated that he would get the information to the clerk so that an ad could be run. Also, he had heard that Mr. Cunningham's insurance benefits had been cut off. He was told that his insurance was still in affect and that the city was still paying the \$450 and Mr. Cunningham was paying his share since he no longer had a check for his portion to be taken from.

Curl-said the city paid for the signs on MacArthur for the YWCA so the city needs to take them down. He asked Sewer Supervisor Brad Seale about his report showing that his crew worked on Good Friday while a plumber laid 50ft of pvc pipe. Mr. Seale told the council that the plumber called in for an inspection and he could not get a hold of Inspector Turman so he sent Mark Nelson from the Sewer department out to watch over the job. Councilman Curl thanked Mr. Seale for the good reports that he provides to the council and also stated that he had receive a complimentary call concerning the Sanitation department.

Smith-stated that the computer security was here and ready to set up and get going. He said that as far as keeping the Web page updated he thought Darryl Goodman might be able to take care of the Web and the E-mails. He stated that it really needed to get back under the control of the city and off a Councilman.

20. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

As discussed under staff reports Chief Patty stated that he had received notice just before the meeting that one of the dispatcher was leaving and with the current

short staffing was in need for the hiring freeze to be lifted so he could hire a new dispatcher.

Motion by Wehba, second by Curl to place a new item on this agenda to lift the hiring freeze to allow for the hiring of one dispatcher. The new information constitutes a new item to be placed on this agenda since it was unforeseen and the city would suffer if it were not taken care of at this time. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed unanimously.

NEW ITEM

Approval to lift the hiring freeze to hire a replacement dispatcher.

Motion by Wehba, second by Curl lift the hiring freeze to allow for the hiring of one replacement dispatcher. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed unanimously.

21. Adjournment.

Motion by Smith, second by Alexander to adjourn. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, nay; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk